

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOE HAND PROMOTIONS, INC.,

Plaintiff,

v.

THOMAS RICH MCINNIS, et al.,

Defendants.

Case No.: 10-CV-01614-LHK

ORDER REQUESTING
CLARIFICATION REGARDING
DISCOVERY; REQUIRING IN-PERSON
APPEARANCE AT PRETRIAL
CONFERENCE

Plaintiff's renewed motion for summary judgment and motion for terminating sanctions are currently set for hearing on June 9, 2011. In reviewing Plaintiff's opening briefs, the Court notes that Plaintiff claims to have served Defendants with discovery requests by overnight mail on March 17, 2011. Plaintiff seeks summary judgment and terminating sanctions based on Defendants' failure to respond to this discovery. However, on September 17, 2010, the Court set a discovery deadline of March 11, 2011. *See* Minute Order and Case Management Order, Sept. 17, 2010, ECF No. 21. On April 13, 2011, the Court issued an order stating that the case schedule remains as set forth in the September 17, 2010 Case Management Order, with certain exceptions not relevant to discovery. *See* Minute Order and Case Management Order, Apr. 13, 2011, ECF No. 52. It does not appear that the Court granted any extensions of the discovery deadline. Thus, although at Plaintiff's request the Court ordered Defendants to respond to Plaintiff's discovery requests at the

1 motion hearing on May 5, 2011, it now appears that Plaintiff's discovery requests may have been
2 untimely served, and Defendants should not have been required to respond to them. Accordingly,
3 the Court requests that Plaintiff file a brief submission, not to exceed 3 pages, explaining why its
4 discovery requests were timely, and why Defendants were required to provide responses. Plaintiff
5 shall file such submission with the Court by Friday, June 3, 2011.

6 Additionally, the Court advises Plaintiff's counsel and Defendants that they must appear in
7 person at the pretrial conference on June 9, 2011. No requests for telephonic appearances will be
8 granted.

9 **IT IS SO ORDERED.**

10
11 Dated: May 31, 2011



LUCY H. KOH
United States District Judge